

CLASSIFICATION ~~SECRET/CONTROL~~ **CONFIDENTIAL** U.S. OFFICIALS ONLY

~~CENTRAL INTELLIGENCE AGENCY~~

REPORT NO.

INFORMATION REPORT

CD NO.

COUNTRY Rumania

DATE DISTR. 26 Sept. 1951

SUBJECT Legal Procedure and Administration of
Justice in Rumania

NO. OF PAGES 3

25X1C PLACE
ACQUIRED

REFERENCE COPY

NO. OF ENCLS.
(LISTED BELOW)

DATE OF INFO.

SUPPLEMENT TO
REPORT NO.

25X1X

1. Courts of Law

a. First Tribunal

This is the lowest existing law court at present. There are no longer any courts consisting of a single judge.

This tribunal consists of three judges of whom one is a trained judge, while the remaining two are "assessors", i.e. workers who were selected and detailed to be judges for a certain period. Although this period was at the beginning fixed at six months, many worker-judges are still at their jobs after a year or even more.

The tribunal is presided over by the trained judge, but sentence may be passed by simple majority, which means that a man may be sentenced by two completely untrained judges.

b. Second Tribunal

Consists of five judges of whom only two are trained ones. As in the first tribunal sentence may be passed by a simple majority. The following offenses may be brought up directly before the second tribunal:

- (1) Murder
- (2) Offenses concerning foreign currency
- (3) War crimes
- (4) Sabotaging nationalization

Document No. 4
 No Change In Class. ☐
☐ Declassified
 Class. Changed To: TS S (C)
 Auth.: HR 70-2
 Date: 8-8-78 By: 35

c. Supreme Court

Consists of an unknown number of judges of whom a few are untrained.

CLASSIFICATION SECRET/CONTROL - U.S. OFFICIALS ONLY

STATE	NV	X	NAVY	X	NSRB	DISTRIBUTION
ARMY	X	AIR	X	FBI	ORR	EV

25X1A

SECRET/CONTROL ~~CONFIDENTIAL~~
CENTRAL INTELLIGENCE AGENCY

- 2 -

From five - seven judges participate in a Supreme Court hearing.

d. Military Court

Besides military personnel all civilians accused of an offense against the State are tried by military courts. The court procedure of these tribunals is most unfair. Lawyers are not permitted to see their clients before the hearing.

Soldiers may also be tried by civil courts, but only if civilians are involved in the same offense.

2. Commanding Officer of Securitatea

He is entitled to detain any person for a period up to two years without giving any reason or without any court hearing. Persons detained under such an order are kept at hard labor at the Danube-Black Sea Canal. After their return they are intimidated to such an extent that no one has ever been heard relating conditions at the Canal.

3. Lawyers

There are two kinds of lawyers today in Rumania:

a. State employed

b. Private

- a. State employed lawyers work as legal advisers to concerns, ministries or departments and are considered as workers.
- b. Private lawyers are not considered as workers and consequently do not obtain ration books. There exist collectives for lawyers, the membership of which is compulsory. There are up to 40 lawyers in one collective, in Bucharest alone there are eight collectives. An accused person may choose his own lawyer but fees are fixed by the collective. The lawyer receives 40 per cent of the fees and the remaining 60 per cent are paid to the collective for its "expenses". If the collective's income surpasses its expenses the surplus is monthly divided between the lawyers who belong to the collective. (At source's collective two per cent out of the 60 per cent were divided in November 1950.)

The average income of a private lawyer is 4,000 - 5,000 Lei, but there are lawyers who reach an income of 60,000 - 80,000 Lei. Even considering the fact that a lawyer is not supposed to employ any secretary or clerks, 4,000 Lei is not sufficient for the upkeep of a family, especially when taking into consideration that owing to the lack of ration books he is forced to buy everything on the black market.

4. Court Procedure

In simple cases the procedure is not unlike the democratic one. In serious cases, however, especially where offenses against the State are involved, the picture is completely different. A person may be detained for any period preceding the court hearing. During this detention period (in serious cases) he is not allowed to contact any person including his lawyer. Consequently the lawyer is completely unprepared and the "defense" of the accused is an empty farce. In the most serious cases things are even worse. The accused is not allowed to choose his lawyer but the State appoints a lawyer for him. This lawyer usually belongs to the presidium of the collectives and is a trusted Communist. There were cases where the summing up for the defense was reduced to the following words spoken by the State appointed lawyer:

~~CONFIDENTIAL~~
SECRET/CONTROL - U.S. OFFICIALS ONLY

CENTRAL INTELLIGENCE AGENCY

25X1A

- 3 -

"I agree that the accused is to be found guilty and to be punished consequently."

Lawyers do not enjoy freedom of speech during court proceedings. There are many known cases where lawyers were interrupted by judges asking them whether they think it wise to proclaim the accused's innocence while his guilt was already proved. There are more severe cases where lawyers suffer for their will to fight for their clients. Source related the case of Poldi Fildermann who was arrested out of court and has not been heard of since. In this case defense witnesses declared under oath that they had visited the counsel for defense at his office and that on this occasion he (Fildermann) had prepared their statements. This happened at the beginning of 1951 when Fildermann was defending three "war criminals".

5. Law Schools

There exists a new institution which turns out lawyers in the course of one year.

6. The Rumanian Supreme Court judges Grozdes, Moldoveanu, Pamu, Papadopol, and Raiciu are known to be Communists. It is not known whether the Rumanian Supreme Court judges Cristoveanu, Nicolau and Dumitrescu are Communists.

~~CONFIDENTIAL~~
SECRET/CONTROL - U.S. OFFICIALS ONLY